

# **JOURNAL OF THE HOUSE**

## **EIGHTY-SEVENTH SESSION**

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TWENTY-EIGHTH DAY

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STATE OF SOUTH DAKOTA  
House of Representatives, Pierre  
Monday, February 27, 2012

The House convened at 2:00 p.m., pursuant to adjournment, the Speaker presiding.

The prayer was offered by the Chaplain, Father Michael Griffin, followed by the Pledge of Allegiance led by House pages Vanessa Cortes and Makenzie Hageman.

Roll Call: All members present except Rep. Stricherz who was excused.

### **APPROVAL OF THE JOURNAL**

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Chief Clerk of the House has had under consideration the House Journal of the twenty-seventh day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,  
Val Rausch, Chair

Which motion prevailed.

**HONORED GUESTS**

Rep. Kloucek introduced the Tabor Czech Days Royalty: Queen Emily Manas, Princess Jenna Lammers, and Prince Matthew Schaeffer.

Rep. Wismer introduced Courtney Peterson of Sisseton, the 2012 Miss Rodeo South Dakota.

**REPORTS OF STANDING COMMITTEES**

MR. SPEAKER:

The Committee on State Affairs respectfully reports that it has had under consideration SB 49 and returns the same with the recommendation that said bill do pass.

Also MR. SPEAKER:

The Committee on State Affairs respectfully reports that it has had under consideration SB 187 and returns the same with the recommendation that said bill be amended as follows:

187oc

On page 1 of the Senate State Affairs Committee engrossed bill, delete lines 5 to 8, inclusive.

187otc

On page 1, line 1, of the Senate State Affairs Committee engrossed bill, delete everything after "to" .

On page 1, line 2, delete everything before "repeal" .

And that as so amended said bill do pass.

Also MR. SPEAKER:

The Committee on State Affairs respectfully reports that it has had under consideration HCR 1016 and returns the same with the recommendation that said resolution be amended as follows:

1 c1016ya

2 On page 2 of the printed resolution, delete lines 23 and 24.

3 On page 3, delete line 1.

4 C1016yta

5 On page 1, line 2, of the printed resolution, delete everything after "(ICAO)" .

6 On page 1, line 3, delete everything before "," .

7 And that as so amended said resolution be adopted.

8 Also MR. SPEAKER:

9 The Committee on State Affairs respectfully reports that it has had under consideration  
10 SB 138 which was tabled.

11 Also MR. SPEAKER:

12 The Committee on State Affairs respectfully reports that it has had under consideration  
13 HCR 1017 which was deferred to the 41<sup>st</sup> Legislative Day.

14 Respectfully submitted,  
15 David Lust, Chair

16 Also MR. SPEAKER:

17 The Committee on Education respectfully reports that it has had under consideration SB 80  
18 and returns the same with the recommendation that said bill do pass.

19 Also MR. SPEAKER:

20 The Committee on Education respectfully reports that it has had under consideration  
21 SB 130 and returns the same with the recommendation that said bill be amended as follows:

22 130cg

23 On the Senate Education Committee engrossed bill, delete everything after the enacting  
24 clause and insert:

1       " Section 1. If a school district does not have a bullying policy, the school district shall  
2 follow the model bullying policy in section 6 of this Act until such time as the school district  
3 adopts its own bullying policy. Nothing in this Act supplants or preempts an existing school  
4 district policy.

5       Section 2. Bullying is a pattern of repeated conduct that causes physical hurt or  
6 psychological distress on one or more students that may include threats, intimidation, stalking  
7 as defined in chapter 22-19A, physical violence, theft, destruction of property, any threatening  
8 use of data or computer software, written or verbal communication, or conduct directed against  
9 a student that:

- 10       (1) Places a student in reasonable fear of harm to his or her person or damage to his or  
11       her property; and either
- 12       (2) Substantially interferes with a student's educational performance; or
- 13       (3) Substantially disrupts the orderly operation of a school.

14       For the purposes of this Act, bullying also includes retaliation against a student for asserting  
15 or alleging an act of bullying.

16       Section 3. Each school district policy developed pursuant to this Act may contain the  
17 following provisions:

- 18       (1) A statement prohibiting bullying and a definition of bullying that includes the  
19       definition listed in section 2 of this Act;
- 20       (2) A description of the type of behavior expected from each student of the school  
21       district, and the consequences for a student of the school district who commits an act  
22       of bullying;
- 23       (3) A procedure for reporting an act of bullying, including provisions that permit a  
24       person to anonymously report such an act, although formal disciplinary action may  
25       not be based solely on an anonymous report;
- 26       (4) A procedure for the prompt investigation and response to any report of bullying,  
27       including a requirement that an investigation be conducted on any alleged incident  
28       of bullying committed against a child while the child is aboard a school bus, at a  
29       school bus stop, or at a school-sponsored event; and
- 30       (5) A statement that all students are protected with no mention of any protected classes  
31       of students.

32       Section 4. Any school district employee, school volunteer, student, or parent who promptly  
33 reports in good faith an act of bullying to the appropriate school district official as designated  
34 in the school district's policy, and who makes the report in compliance with the provisions of  
35 the school district's policy is immune from any cause of action for damages arising from failure  
36 to remedy the reported incident.

Section 5. Neither the physical location nor the time of day of any incident involving the use of computers or other electronic devices is a defense to any disciplinary action taken by a school district for conduct determined to meet the definition of bullying in section 2 of this Act.

Section 6. The model bullying policy pursuant to this Act is as follows:

#### PROHIBITION OF HARASSMENT, INTIMIDATION, AND BULLYING

The School District is committed to maintaining a constructive, safe school climate that is conducive to student learning and fostering an environment in which all students are treated with respect and dignity.

Persistent bullying can severely inhibit a student's ability to learn and may have lasting negative effects on a student's life. The bullying of students by students, staff, or third parties is strictly prohibited and will not be tolerated.

Bullying consists of repeated physical, verbal, non-verbal, written, electronic, or any conduct directed toward a student that is so pervasive, severe, and objectively offensive that it:

- (1) Has the purpose of creating or resulting in an intimidating, hostile, or offensive academic environment; or
- (2) Has the purpose or effect of substantially or unreasonably interfering with a student's academic performance which deprives the student access to educational opportunities.

Any staff member observing or suspecting bullying toward another individual is required to report the issue to his or her building supervisor.

This policy is in effect while students are on property within the jurisdiction of the School Board; while students are in school-owned or school-operated vehicles; and while students are attending or engaged in school-sponsored activities.

The District will act to investigate all complaints (formal or informal, verbal or written) of bullying. A formal complaint may be submitted to the building principal. Any student engaging in an act of bullying is subject to discipline pursuant to the District's student discipline procedure.

This policy may not be interpreted to prohibit civil exchange of opinions or debate protected under the state or federal constitutions if the opinion expressed does not otherwise materially or substantially disrupt the education process or intrude upon the rights of others."

And that as so amended said bill do pass.

Respectfully submitted,  
Thomas J. Brunner, Chair

1 Also MR. SPEAKER:

2 The Committee on Appropriations respectfully reports that it has had under consideration  
3 SB 77 and returns the same with the recommendation that said bill be amended as follows:

4 77ba

5 On the Senate Education Committee engrossed bill, delete everything after the enacting  
6 clause and insert:

7 " Section 1. The Dakota Tech scholarship program is hereby established within the  
8 Department of Labor and Regulation. Dakota Tech scholarships shall be awarded to encourage  
9 students at South Dakota's postsecondary technical institutes who are trained for employment  
10 in areas of critical need to remain in South Dakota upon completion of their postsecondary  
11 technical education. The Department of Labor and Regulation shall provide for the awarding  
12 of Dakota Tech scholarships in accordance with the provisions of this Act.

13 Section 2. Terms used in this Act mean:

14 (1) "Area of critical need," an occupation within South Dakota for certain types of  
15 employers in certain geographical areas as specified by rules promulgated by the  
16 department pursuant to section 14 of this Act;

17 (2) "Dakota Tech scholarship award," an amount awarded to an individual student under  
18 the Dakota Tech scholarship program;

19 (3) "Department," the Department of Labor and Regulation;

20 (4) "Postsecondary technical institute," a postsecondary institute established pursuant to  
21 chapter 13-39.

22 Section 3. The Department of Labor and Regulation shall administer the Dakota Tech  
23 scholarship program. The department shall, in accordance with the provisions of this Act,  
24 provide for the selection of scholarship recipients, the disbursement of scholarship funds, the  
25 collection and repayment of funds from recipients who have become ineligible, and other  
26 measures necessary for the implementation of this Act.

27 Section 4. To be eligible for a Dakota Tech scholarship a person shall:

28 (1) Have a high school diploma or general equivalency diploma (GED);

29 (2) Agree in writing to stay in South Dakota and work in an area of critical need for a  
30 period of four years following graduation from a postsecondary technical institute;  
31 and

32 (3) Enroll in or be accepted for enrollment by a postsecondary technical institute for a  
33 course of study in an area of critical need leading to a technical degree from the  
34 postsecondary technical institute.

1 Section 5. In order to maintain eligibility for a Dakota Tech scholarship a person shall:

2 (1) Maintain a 2.5 grade point average on a 4.0 scale and maintain standing as a full-time  
3 or part-time student at a postsecondary technical institute;

4 (2) Attend a postsecondary technical institute and earn a technical degree in an area of  
5 critical need within four years after the person's first enrollment at the technical  
6 institute.

7 Section 6. A Dakota Tech scholarship award shall be in the amount of five thousand dollars  
8 per student and is awarded once for the duration of the student's course of study. The department  
9 may award Dakota Tech scholarships only to the extent that funds are available to provide  
10 scholarships. If the amount of money in the Dakota Tech scholarship fund is insufficient to  
11 provide a Dakota Tech scholarship to all eligible applicants, the department shall consider a  
12 person's field of study and financial need in awarding a Dakota Tech scholarship.

13 Section 7. If a person has been awarded a Dakota Tech scholarship, the department shall pay  
14 the postsecondary technical institute at which the person is enrolled the amount of five thousand  
15 dollars, to be deducted from the person's tuition and fees over the duration of the person's  
16 course of study. The amount of the scholarship constitutes an obligation owed by the person to  
17 the department, which may be discharged as provided in sections 8 to 11, inclusive, of this Act.

18 Section 8. A person who has received a Dakota Tech scholarship is not required to repay any  
19 part of the scholarship if within six months of earning an eligible technical degree the person  
20 begins employment and is continuously employed in South Dakota for a period of forty-eight  
21 consecutive months in an area of critical need. A course of study and corresponding  
22 employment or occupation that was deemed an area of critical need at the time of the person's  
23 scholarship award remains an area of critical need for the duration of the person's course of  
24 study and for the forty-eight month employment period for purposes of determining any  
25 repayment obligation that the person may incur.

26 Section 9. If a person who has received a Dakota Tech scholarship does not maintain  
27 eligibility as specified in section 5 of this Act, the person shall reimburse the department the  
28 amount of the scholarship paid on behalf of the person, according to a repayment schedule set  
29 by the department in rules promulgated pursuant to chapter 1-26.

30 Section 10. If a person who has received a Dakota Tech scholarship does not meet the  
31 requirement in section 8 of this Act, the person shall reimburse the department the amount of  
32 the scholarship paid on behalf of the person, according to a repayment schedule set by the  
33 department in rules promulgated pursuant to chapter 1-26. The amount of repayment shall be  
34 based on the ratio of forty-eight months minus the number of months a person was continuously  
35 employed in an area of critical need to forty-eight months.

36 Section 11. If a person who has received a Dakota Tech scholarship is unable to maintain  
37 eligibility or remain employed in an area of critical need for forty-eight consecutive months due  
38 to factors outside the control of the person, the department may waive or delay the eligibility  
39 or repayment provisions of this Act.

1 Section 12. A person who has received a Dakota Tech scholarship shall annually report to  
2 the department the person's academic and occupational status on forms prescribed by the  
3 department.

4 Section 13. The Dakota Tech scholarship fund is hereby established as a separate fund in  
5 the state treasury to be administered by the Department of Labor and Regulation. Money in the  
6 fund shall be used to implement the Dakota Tech scholarship program established pursuant to  
7 this Act. Money may enter the fund through legislative appropriations, fees, contributions,  
8 donations, grants, loans, interest received on money in the fund, and any other lawful public or  
9 private source. Money in the fund shall be appropriated by the Legislature through the normal  
10 budget process. Any expenditure from the fund shall be paid on warrants drawn by the state  
11 auditor on vouchers approved by the secretary of the Department of Labor and Regulation.

12 Section 14. The Department of Labor and Regulation shall promulgate rules, pursuant to  
13 chapter 1-26, to implement the Dakota Tech scholarship program. The rules shall define  
14 occupations and geographical areas as areas of critical need, establish procedures for the  
15 awarding and acceptance of scholarships, establish requirements and guidelines to be followed  
16 by the department in implementing the program, establish criteria for monitoring the academic  
17 and occupational status of persons who have received a scholarship, establish financial need  
18 criteria, establish repayment schedules, and establish other procedures and requirements  
19 necessary for the implementation of the scholarship program.

20 Section 15. There is hereby appropriated from the general fund the sum of one hundred  
21 dollars (\$100), or so much thereof as may be necessary, to the Department of Labor and  
22 Regulation to be deposited into the Dakota Tech scholarship fund and made available, beginning  
23 on the effective date of this Act, to fund scholarships under the Dakota Tech scholarship  
24 program as provided in this Act. This appropriation may be used only for the funding of  
25 scholarships under the program. Administrative costs and other costs incurred in the  
26 implementation of the program may be met only through the use of funds from sources other  
27 than this appropriation.

28 Section 16. The secretary of the Department of Labor and Regulation shall approve vouchers  
29 and the state auditor shall draw warrants to pay expenditures authorized by this Act.

30 Section 17. Any amounts appropriated in this Act not lawfully expended or obligated by  
31 June 30, 2013, shall revert in accordance with the procedures prescribed in chapter 4-8."

32 And that as so amended said bill do pass.

33 Also MR. SPEAKER:

34 The Committee on Appropriations respectfully reports that it has had under consideration  
35 SB 139 and returns the same with the recommendation that said bill be amended as follows:



1 139ba

2 On page 2, line 19, of the Senate engrossed bill, delete "dollar (\$1)" and insert "hundred  
3 dollars (\$100)".

4 And that as so amended said bill do pass.

5 Also MR. SPEAKER:

6 The Committee on Appropriations respectfully reports that it has had under consideration  
7 SB 193 and returns the same with the recommendation that said bill be amended as follows:

8 193ub

9 On page 2, line 16, of the Senate Appropriations Committee engrossed bill, delete "17" and  
10 insert "2".

11 On page 2, line 18, delete "BUREAU OF FINANCE AND MANAGEMENT" and insert  
12 "DEPARTMENT OF EXECUTIVE MANAGEMENT".

13 193bb

14 On page 2, line 20, of the Senate Appropriations Committee engrossed bill, delete  
15 "\$12,296,256" and insert "\$1".

16 On page 2, line 21, delete "\$5,692,174" and insert "\$1".

17 On page 2, line 22, delete "\$13,210,064" and insert "\$1".

18 On page 2, line 23, delete "\$193,023" and insert "\$1".

19 And that as so amended said bill do pass.

20 Respectfully submitted,  
21 Dean Wink, Chair

22 Also MR. SPEAKER:

23 The Committee on Judiciary respectfully reports that it has had under consideration SB 146  
24 and 148 and returns the same with the recommendation that said bills do pass.

1 Also MR. SPEAKER:

2 The Committee on Judiciary respectfully reports that it has had under consideration SB 141  
3 and returns the same with the recommendation that said bill be amended as follows:

4 141rd

5 On page 1, line 9, of the Senate Judiciary Committee engrossed bill, delete ", dating,".

6 And that as so amended said bill do pass.

7 Also MR. SPEAKER:

8 The Committee on Judiciary respectfully reports that it has had under consideration SB 149  
9 and returns the same with the recommendation that said bill be amended as follows:

10 149ra

11 On page 2, after line 1 of the printed bill, insert:

12 " Section 2. That § 25-10-40 be amended to read as follows:

13 25-10-40. No police officer or sheriff may release a person charged with assaulting a family  
14 or household member, as defined in subdivision 25-10-1(2), or violating a protection order, as  
15 provided for in this chapter, without providing notice to a committing magistrate judge or circuit  
16 court. A committing magistrate judge or circuit court shall determine if bond or other conditions  
17 of release are necessary for the protection of the alleged victim.

18 If the defendant is released without bond, a condition of no contact with the victim shall be  
19 stated and incorporated into the terms of the conditional release. Willful violation of any such  
20 no contact provision is a Class 1 misdemeanor."

21 And that as so amended said bill do pass.

22 Also MR. SPEAKER:

23 The Committee on Judiciary respectfully reports that it has had under consideration SB 183  
24 and returns the same with the recommendation that said bill be amended as follows:

25 183ra

26 On page 1, line 10, of the printed bill, delete "an affirmative defense to the offense" and  
27 insert "not an act".

28 On page 1, line 10, delete "that" and insert "if".

1 On page 1, line 11, delete "that" and insert "if".

2 On page 1, line 12, delete "that" and insert "if".

3 On page 1, line 13, delete "an affirmative defense to the offense" and insert "not an act".

4 On page 1, line 14, after "sexting" delete "that" and insert "if".

5 And that as so amended said bill do pass.

6 Respectfully submitted,  
7 Roger W. Hunt, Chair

8 **REPORTS OF CONFERENCE COMMITTEES**

9 cc99a

10 MR. SPEAKER:

11 The Conference Committee respectfully reports that it has considered SB 99 and the  
12 amendments thereto made by the House, and the disagreement of the two houses thereon, and  
13 recommends that the Senate do concur with the House amendments.

14 Respectfully submitted,  
15 Jim White  
16 House Committee Chair

Respectfully submitted,  
Tom Hansen  
Senate Committee Chair

17 **MESSAGES FROM THE SENATE**

18 MR. SPEAKER:

19 I have the honor to return herewith HB 1052, 1107, 1138, 1182, 1187, 1269, and 1270  
20 which have passed the Senate without change.

21 Also MR. SPEAKER:

22 I have the honor to return herewith HCR 1009 in which the Senate has concurred.

1 Also MR. SPEAKER:

2 I have the honor to return herewith HB 1196 which has been amended by the Senate and  
3 your concurrence in the amendments is respectfully requested.

4 Respectfully,  
5 Fee Jacobsen, Secretary

6 **MOTIONS AND RESOLUTIONS**

7 Rep. Lust moved that the House do concur in Senate amendments to HB 1059.

8 The question being on Rep. Lust's motion that the House do concur in Senate amendments  
9 to HB 1059.

10 And the roll being called:

11 Yeas 64, Nays 3, Excused 3, Absent 0

12 Yeas:

13 Abdallah; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert; Dryden;  
14 Elliott; Fargen; Feickert; Feinstein; Gosch; Greenfield; Haggar; Hansen (Jon); Hawley; Hickey;  
15 Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones; Killer; Kirkeby;  
16 Kirschman; Kloucek; Kopp; Liss; Lust; Magstadt; Miller; Moser; Munsterman; Nelson (Stace);  
17 Novstrup (David); Olson (Betty); Perry; Romkema; Rozum; Schaefer; Schrempp; Scott;  
18 Sigdestad; Sly; Solum; Steele; Street; Tornow; Tulson; Turbiville; Van Gerpen; Vanneman;  
19 Venner; Verchio; White; Wick; Willadsen; Wink; Speaker Rausch

20 Nays:

21 Gibson; Lucas; Wismer

22 Excused:

23 Blake; Russell; Stricherz

24 So the motion having received an affirmative vote of a two-thirds majority of the members-  
25 elect, the Speaker declared the motion carried and the amendments were concurred in.

26 Rep. Nelson moved that the House do concur in Senate amendments to HB 1230.

27 The question being on Rep. Nelson's motion that the House do concur in Senate  
28 amendments to HB 1230.

29 And the roll being called:

30 Yeas 66, Nays 2, Excused 2, Absent 0

1 Yeas:

2 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dryden;  
3 Elliott; Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggar; Hansen (Jon); Hawley;  
4 Hickey; Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones; Killer;  
5 Kirkeby; Kirschman; Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser; Munsterman;  
6 Nelson (Stace); Novstrup (David); Olson (Betty); Perry; Romkema; Rozum; Schaefer;  
7 Schrempp; Scott; Sigdestad; Sly; Solum; Steele; Street; Tornow; Tulson; Turbiville; Van  
8 Gerpen; Venner; Verchio; White; Wick; Willadsen; Wink; Wismer; Speaker Rausch

9 Nays:

10 Dennert; Vanneman

11 Excused:

12 Russell; Stricherz

13 So the motion having received an affirmative vote of a majority of the members-elect, the  
14 Speaker declared the motion carried and the amendments were concurred in.

15 Rep. Lust moved that when we adjourn today, we adjourn to convene at 1:00 p.m. on  
16 Tuesday, February 28, the 29<sup>th</sup> legislative day.

17 Which motion prevailed.

18 **CONSIDERATION OF REPORTS OF COMMITTEES**

19 Rep. Lust moved that the reports of the Standing Committees on

20 Education on SB 25 as found on page 595 of the House Journal; also

21 State Affairs on SB 162 as found on pages 595 to 598 of the House Journal; also

22 State Affairs on SB 161 as found on page 598 of the House Journal; also

23 Commerce and Energy on SB 170 as found on pages 610 to 614 of the House Journal; also

24 Judiciary on SB 43 as found on page 614 of the House Journal; also

25 Judiciary on SB 91 as found on pages 614 and 615 of the House Journal be adopted.

26 Which motion prevailed.

**1 SECOND READING OF CONSENT CALENDAR ITEMS**

2 SB 145: FOR AN ACT ENTITLED, An Act to prohibit rebates and regulate contracts for  
3 residential roofing goods and services.

4 Was read the second time.

5 The question being "Shall SB 145 pass as amended?"

6 And the roll being called:

7 Yeas 67, Nays 1, Excused 2, Absent 0

8 Yeas:

9 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert;  
10 Dryden; Elliott; Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggar; Hansen (Jon);  
11 Hawley; Hickey; Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones;  
12 Killer; Kirkeby; Kirschman; Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser;  
13 Munsterman; Nelson (Stace); Novstrup (David); Olson (Betty); Perry; Romkema; Rozum;  
14 Schaefer; Schrempp; Scott; Sigdestad; Sly; Solum; Steele; Street; Tulson; Turbiville; Van  
15 Gerpen; Vanneman; Venner; Verchio; White; Wick; Willadsen; Wink; Wismer; Speaker Rausch

16 Nays:

17 Tornow

18 Excused:

19 Russell; Stricherz

20 So the bill having received an affirmative vote of a majority of the members-elect, the  
21 Speaker declared the bill passed and the title was agreed to.

22 SB 158: FOR AN ACT ENTITLED, An Act to create an exception to the loan or credit  
23 limitations of state chartered banks.

24 Was read the second time.

25 The question being "Shall SB 158 pass as amended?"

26 And the roll being called:

27 Yeas 67, Nays 1, Excused 2, Absent 0

1 Yeas:

2 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert;  
3 Dryden; Elliott; Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggar; Hansen (Jon);  
4 Hawley; Hickey; Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones;  
5 Killer; Kirkeby; Kirschman; Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser;  
6 Munsterman; Nelson (Stace); Novstrup (David); Olson (Betty); Perry; Romkema; Rozum;  
7 Schaefer; Schrempp; Scott; Sigdestad; Sly; Solum; Steele; Street; Tulson; Turbiville; Van  
8 Gerpen; Vanneman; Venner; Verchio; White; Wick; Willadsen; Wink; Wismer; Speaker Rausch

9 Nays:

10 Tornow

11 Excused:

12 Russell; Stricherz

13 So the bill having received an affirmative vote of a majority of the members-elect, the  
14 Speaker declared the bill passed and the title was agreed to.

15 **SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS**

16 SB 174: FOR AN ACT ENTITLED, An Act to increase the 911 emergency surcharge, to  
17 revise the collection and distribution of the surcharge revenue, to provide for point of sale  
18 collection of the prepaid wireless 911 emergency surcharge, and to provide funding for the  
19 upgrade of 911 emergency services.

20 Was read the second time.

21 The question being "Shall SB 174 pass as amended?"

22 And the roll being called:

23 Yeas 65, Nays 4, Excused 1, Absent 0

24 Yeas:

25 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert;  
26 Dryden; Elliott; Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggar; Hansen (Jon);  
27 Hawley; Hickey; Hoffman; Hunhoff (Bernie); Hunt; Iron Cloud III; Jones; Killer; Kirkeby;  
28 Kirschman; Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser; Munsterman; Novstrup  
29 (David); Olson (Betty); Perry; Romkema; Rozum; Schaefer; Schrempp; Scott; Sigdestad; Sly;  
30 Solum; Steele; Street; Tornow; Tulson; Turbiville; Van Gerpen; Vanneman; Venner; Verchio;  
31 White; Wick; Willadsen; Wink; Wismer; Speaker Rausch

32 Nays:

33 Hubbel; Jensen; Nelson (Stace); Russell

1       Excused:  
2       Stricherz

3       So the bill having received an affirmative vote of a two-thirds majority of the members-  
4       elect, the Speaker declared the bill passed and the title was agreed to.

5       SB 169: FOR AN ACT ENTITLED, An Act to establish the Regional Watershed Advisory  
6       Task Force.

7       Was read the second time.

8       The question being "Shall SB 169 pass as amended?"

9       And the roll being called:

10      Yeas 65, Nays 4, Excused 1, Absent 0

11      Yeas:  
12      Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert;  
13      Dryden; Elliott; Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggar; Hansen (Jon);  
14      Hawley; Hickey; Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jones; Killer;  
15      Kirkeby; Kirschman; Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser; Munsterman;  
16      Novstrup (David); Olson (Betty); Perry; Romkema; Rozum; Schaefer; Schrempp; Scott;  
17      Sigdestad; Sly; Solum; Steele; Street; Tornow; Tulson; Turbiville; Van Gerpen; Vanneman;  
18      Verchio; White; Wick; Willadsen; Wink; Wismer; Speaker Rausch

19      Nays:  
20      Jensen; Nelson (Stace); Russell; Venner

21      Excused:  
22      Stricherz

23      So the bill having received an affirmative vote of a majority of the members-elect, the  
24      Speaker declared the bill passed and the title was agreed to.

25      SB 75: FOR AN ACT ENTITLED, An Act to revise the determination of fees that may be  
26      charged for certain public records.

27      Was read the second time.



1 75tc

2 Rep. Venner moved that SB 75 be amended as follows:

3 On page 1, line 14, of the Senate engrossed bill, after "minutes" insert "of open meeting  
4 actions".

5 Which motion prevailed.

6 The question being "Shall SB 75 pass as amended?"

7 And the roll being called:

8 Yeas 67, Nays 2, Excused 1, Absent 0

9 Yeas:

10 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dryden;  
11 Elliott; Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggar; Hansen (Jon); Hawley;  
12 Hickey; Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones; Killer;  
13 Kirkeby; Kirschman; Kloucek; Liss; Lucas; Lust; Magstadt; Miller; Moser; Munsterman;  
14 Nelson (Stace); Novstrup (David); Olson (Betty); Perry; Romkema; Rozum; Russell; Schaefer;  
15 Schrempp; Scott; Sigdestad; Sly; Solum; Steele; Street; Tornow; Tulson; Turbiville; Van  
16 Gerpen; Vanneman; Venner; Verchio; White; Wick; Willadsen; Wink; Wismer; Speaker Rausch

17 Nays:

18 Dennert; Kopp

19 Excused:

20 Stricherz

21 So the bill having received an affirmative vote of a majority of the members-elect, the  
22 Speaker declared the bill passed and the title was agreed to.

23 SB 101: FOR AN ACT ENTITLED, An Act to authorize counties to borrow money using  
24 promissory notes.

25 Was read the second time.

1 101fa

2 Rep. Feickert moved that SB 101 be amended as follows:

3 On page 1, line 7, of the Senate Local Government Committee engrossed bill, before  
4 "from" insert "if the undesignated fund balance of the general fund is insufficient to pay the  
5 expenses of the county. The county may borrow money".

6 Which motion lost.

7 The question being "Shall SB 101 pass as amended?"

8 And the roll being called:

9 Yeas 46, Nays 23, Excused 1, Absent 0

10 Yeas:

11 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dryden;  
12 Fargen; Feinstein; Gosch; Haggar; Hawley; Hoffman; Hunhoff (Bernie); Hunt; Iron Cloud III;  
13 Jones; Kirkeby; Lucas; Lust; Magstadt; Moser; Munsterman; Novstrup (David); Olson (Betty);  
14 Perry; Romkema; Rozum; Scott; Sigdestad; Sly; Solum; Street; Tulson; Turbiville; Vanneman;  
15 Verchio; White; Wick; Willadsen; Wink; Wismer; Speaker Rausch

16 Nays:

17 Dennert; Elliott; Feickert; Gibson; Greenfield; Hansen (Jon); Hickey; Hubbel; Jensen; Killer;  
18 Kirschman; Kloucek; Kopp; Liss; Miller; Nelson (Stace); Russell; Schaefer; Schrempp; Steele;  
19 Tornow; Van Gerpen; Venner

20 Excused:

21 Stricherz

22 So the bill having received an affirmative vote of a majority of the members-elect, the  
23 Speaker declared the bill passed and the title was agreed to.

24 SB 188: FOR AN ACT ENTITLED, An Act to authorize the establishment, operation, and  
25 control of research parks on lands controlled by the Board of Regents.

26 Was read the second time.

27 The question being "Shall SB 188 pass as amended?"

28 And the roll being called:

29 Yeas 65, Nays 3, Excused 2, Absent 0

1 Yeas:

2 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert;  
3 Dryden; Elliott; Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggar; Hansen (Jon);  
4 Hawley; Hickey; Hoffman; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones; Killer;  
5 Kirkeby; Kirschman; Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser; Novstrup  
6 (David); Olson (Betty); Perry; Romkema; Rozum; Schaefer; Schrempp; Scott; Sigdestad; Sly;  
7 Solum; Steele; Street; Tornow; Tulson; Turbiville; Van Gerpen; Vanneman; Venner; Verchio;  
8 White; Wick; Willadsen; Wink; Wismer; Speaker Rausch

9 Nays:

10 Munsterman; Nelson (Stace); Russell

11 Excused:

12 Hubbel; Stricherz

13 So the bill having received an affirmative vote of a majority of the members-elect, the  
14 Speaker declared the bill passed and the title was agreed to.

15 SB 10: FOR AN ACT ENTITLED, An Act to revise certain provisions pertaining to  
16 boating while under the influence.

17 Was read the second time.

18 10ra

19 Rep. Tornow moved that SB 10 be amended as follows:

20 On page 1 of the Senate Judiciary Committee engrossed bill, delete lines 12 to 14,  
21 inclusive, and insert:

22 "

23 (3) Under the influence of ~~marijuana~~ or any controlled drug or substance obtained  
24 pursuant to a valid prescription, or any other substance, and which prescription or  
25 substance was intentionally taken in excess and to a degree which renders the person  
26 incapable of safely driving or operating such boat; or".

27 The Speaker, being in doubt of the voice vote, called for a division of the House.

28 The Speaker declared Rep. Tornow's motion lost.

1 Rep. Dryden moved the previous question.

2 Which motion prevailed.

3 The question being "Shall SB 10 pass as amended?"

4 And the roll being called:

5 Yeas 45, Nays 24, Excused 1, Absent 0

6 Yeas:

7 Abdallah; Blake; Bolin; Brunner; Carson; Deelstra; Dennert; Dryden; Feickert; Feinstein;  
8 Gibson; Haggard; Hawley; Hoffman; Hunt; Iron Cloud III; Jones; Killer; Kirschman; Kloucek;  
9 Kopp; Lucas; Lust; Miller; Moser; Munsterman; Novstrup (David); Perry; Romkema; Russell;  
10 Schaefer; Schrempp; Scott; Sigdestad; Sly; Street; Turbiville; Van Gerpen; Vanneman; Verchio;  
11 White; Wick; Willadsen; Wink; Wismer

12 Nays:

13 Boomgarden; Conzet; Cronin; Elliott; Fargen; Gosch; Greenfield; Hansen (Jon); Hickey;  
14 Hubbel; Hunhoff (Bernie); Jensen; Kirkeby; Liss; Magstadt; Nelson (Stace); Olson (Betty);  
15 Rozum; Solum; Steele; Tornow; Tulson; Venner; Speaker Rausch

16 Excused:

17 Stricherz

18 So the bill having received an affirmative vote of a majority of the members-elect, the  
19 Speaker declared the bill passed and the title was agreed to.

20 There being no objection, the House reverted to Order of Business No. 7.

21 **MESSAGES FROM THE SENATE**

22 MR. SPEAKER:

23 I have the honor to inform your honorable body that the Senate has concurred in House  
24 amendments to SB 106 and 123.

25 Respectfully,  
26 Fee Jacobsen, Secretary

27 There being no objection, the House reverted to Order of Business No. 5.

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1 HB 1227: FOR AN ACT ENTITLED, An Act to revise certain provisions with regard to  
2 the rights of industrial and construction equipment dealers.

3 HB 1269: FOR AN ACT ENTITLED, An Act to make an appropriation for certain costs  
4 related to disasters and to pine beetle suppression and to declare an emergency.

5 HB 1270: FOR AN ACT ENTITLED, An Act to revise the time period for which  
6 unclaimed property is presumed abandoned and to revise certain provisions regarding the  
7 publication notice of unclaimed property.

8 SB 48: FOR AN ACT ENTITLED, An Act to revise the General Appropriations Act for  
9 fiscal year 2012.

10 SB 53: FOR AN ACT ENTITLED, An Act to permit the Department of Public Safety to  
11 require certain accident reports to be filed by electronic means.

12 SB 68: FOR AN ACT ENTITLED, An Act to provide that no statute of limitations applies  
13 to certain rape offenses.

14 SB 71: FOR AN ACT ENTITLED, An Act to modify the requirements relating to the  
15 publication of the administrative rules.

16 SB 78: FOR AN ACT ENTITLED, An Act to allow an arrest to be expunged when the  
17 criminal case is dismissed.

18 SB 103: FOR AN ACT ENTITLED, An Act to revise the procedure for cooperatives  
19 giving notice to persons whose records are missing regarding ownership of securities,  
20 apportionment of equity interest, money, or property.

21 SB 108: FOR AN ACT ENTITLED, An Act to revise the maximum bet limit for  
22 Deadwood gaming.

23 SB 156: FOR AN ACT ENTITLED, An Act to establish strangulation as one element of  
24 the crime of aggravated assault.

25 SB 191: FOR AN ACT ENTITLED, An Act to provide for authorization to offer  
26 postsecondary education services in South Dakota.

27 SB 194: FOR AN ACT ENTITLED, An Act to make an appropriation to fund tax refunds  
28 for elderly persons and persons with a disability, to revise the income eligibility requirements  
29 for property tax and sales tax refunds, and to declare an emergency.

30 SB 195: FOR AN ACT ENTITLED, An Act to make appropriations from the water and  
31 environment fund, the water pollution control revolving fund subfund, and the drinking water  
32 revolving fund subfund for various water and environmental purposes, to revise the state water  
33 plan, to authorize the construction and establish the state cost share for the Belle Fourche  
34 irrigation upgrade project, and to declare an emergency.

And signed the same in the presence of the House.

## COMMEMORATIONS

HC 1023 Introduced by: Representatives Kloucek, Blake, Brunner, Cronin, Dennert, Elliott, Gibson, Greenfield, Haggar, Hansen (Jon), Hawley, Iron Cloud III, Magstadt, Miller, Perry, Romkema, Tornow, Tulson, Wick, and Wink and Senators Putnam, Begalka, Brown, Buhl, Frerichs, Fryslie, Gray, Haverly, Hunhoff (Jean), Juhnke, Krebs, Olson (Russell), Rave, Sutton, Tidemann, and Tieszen

A LEGISLATIVE COMMEMORATION, Commending and honoring Spc. Dennis Jensen who was killed on active duty in Afghanistan.

WHEREAS, Spc. Dennis Gregory Jensen from Tyndall, South Dakota, died in Afghanistan on August 16, 2011, from injuries suffered while working with bridge materials near Camp Leatherneck in Helmand province, southern Afghanistan; and

WHEREAS, Spc. Jensen was serving with the South Dakota National Guard in the 200th Engineer Company in Afghanistan when he was killed at the age of twenty-one; and

WHEREAS, Spc. Jensen was originally enlisted as a member of the 211th Engineer Company of Madison and DeSmet, in which he served as a combat engineer; and

WHEREAS, Spc. Jensen volunteered to deploy with the 200th Engineer Company as a bridge crew member in support of Operation Enduring Freedom. He was deployed in May 2011, for a year-long mission to maintain, repair, and replace bridges throughout Afghanistan; and

WHEREAS, Spc. Jensen is survived by his mother, Christine Bestgen of Lead, his father, Glenn Jensen of Yankton, and his sister, Melissa Jensen of Minneapolis, Minnesota:

NOW, THEREFORE, BE IT COMMEMORATED, by the Eighty-seventh Legislature of the State of South Dakota, that the Legislature honors Spc. Dennis Jensen for his sacrifice to his country, and the Legislature expresses its sincere condolences to his family and friends.

Rep. Turbiville moved that the House do now adjourn, which motion prevailed and at 4:09 p.m. the House adjourned.

Karen Gerdes, Chief Clerk